

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**July 24, 2006**

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Raye, Associate Justice; Morrison, Associate Justice; Cantil-Sakauye, Associate Justice; and Ellis, bailiff.

**C047770 THE PEOPLE v. COURTNEY**  
**C047514**

Cause called. Kyle Gee, court appointed counsel, argued for appellant Peete. David J. Macher, court appointed counsel, argued for appellant Courtney. Kelly E. LeBel, Deputy Attorney General, argued for respondent. Cause submitted.

**C049453 THE PEOPLE v. VANCE**

Cause called. Rudolph Kraft, court appointed counsel, argued for appellant. Paul E. O'Connor, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:22 a.m., the court recessed. At 2:01 p.m., the court reconvened with Scotland, Presiding Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C048336 THE PEOPLE v. UNION PACIFIC RAILROAD COMPANY et al.**

Cause called. Susan S. Fiering, Deputy Attorney General, argued for appellant. Andrew B. Sabey, argued for respondents. Cause submitted.

At 2:38 p.m., the court recessed. At 2:42 p.m., the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C047366 THE PEOPLE v. NELSON**

Cause called. Cara DeVito, court appointed counsel, argued for appellant. Judy Kaida, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:08 p.m., the court recessed. At 3:12 p.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice' and Cantil-Sakauye, Associate Justice.

**C049462 HAWKINS v. WILTON, et al.**

Cause called. C. Athena Roussos argued for appellant. John Haluck, argued for respondents. Cause submitted.

At 3:42 p.m., the court recessed until 9:30 a.m., Monday, August 21, 2006.

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**The Minutes**

**July 24, 2006, continued**

- C047374      THE PEOPLE v. DALTON      (Not for Publication)**  
The conviction for attempted extortion is reversed. In all other respects, the judgment is affirmed. The trial court is directed to amend the judgment accordingly.  
BLEASE, Acting P.J.  
We Concur: Hull, J.  
Robie, J.
- C049341      THE PEOPLE v. MERRITT      (Not for Publication)**  
The judgment is modified...  
... As modified, the judgment is affirmed. The superior court shall issue an amended abstract of judgment reflecting these changes and shall forward a certified copy thereof to the Secretary of the Department of Corrections and Rehabilitation. (Gov. Code, § 12838.7 subd. (a).)  
NICHOLSON, J.  
We Concur: Sims, Acting P.J.  
Morrison, J.
- C050225      THE PEOPLE v. NICORA      (Not for Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Blease, Acting P.J.  
Morrison, J.
- C050484      THE PEOPLE v. GANT      (Not for Publication)**  
**C050991**  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We Concur: Raye, J.  
Cantil-Sakauye, J.
- C050544      THE PEOPLE v. SAMPLE      (Not for Publication)**  
The judgment (order as modified on February 3, 2006) is affirmed.  
HULL, J.  
We Concur: Sims, Acting P.J.  
Cantil-Sakauye, J.

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**The Minutes**

**July 24, 2006, continued**

- C051083      THE PEOPLE v. WOODS      (Not for Publication)**  
The judgment is affirmed. The trial court is directed to correct the abstract of judgment and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.  
RAYE, J.  
We Concur: Scotland, P.J.  
Nicholson, J.
- C051229      THE PEOPLE v. DEGEN      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We Concur: Scotland, P.J.  
Nicholson, J.
- C051313      In re L.B. et al.; TEHAMA COUNTY DEPARTMENT OF SOCIAL SERVICES v. ANGELA B.      (Not for Publication)**  
The orders of the juvenile court are affirmed.  
RAYE, J.  
We Concur: Sims, Acting P.J.  
Morrison, J.
- C051383      In re MAIA P.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. M.P.      (Not for Publication)**  
The order terminating parental rights is vacated, and the matter is remanded to the juvenile court with directions to order the DHHS to comply with the notice provisions of the Indian Child Welfare Act...  
HULL, J.  
We Concur: Sims, Acting P.J.  
Cantil-Sakauye, J.
- C050361      SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. DENNIS G.**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
BLEASE, Acting P.J.

**July 25, 2006**

- C046852      THE PEOPLE v. QUEEN      (Certified for Partial Publication)**  
The judgment is affirmed. *(Certified for Partial Publication.)*  
BUTZ, J.  
We Concur: Nicholson, Acting P.J.  
Morrison, J.

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**The Minutes**

**July 25, 2006, continued**

- C051046      THE PEOPLE v. FLAHERTY                      (Not for Publication)**  
The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment that omits any reference to the restitution fined having been stayed, and to send a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation.  
DAVIS, Acting P.J.  
We Concur: Raye, J.  
Hull, J.
- C049470      KREEGER et al. v. WANLAND, JR., et al. (CERTIFIED FOR PUBLICATION)**  
The judgment (order) denying the special motion to strike of Donald Wanland and Wanland & Bernstein is affirmed. Mastagni and Kreeger are awarded their costs on appeal.  
HULL, J.  
We Concur: Blease, Acting P.J.  
Davis, J.
- C048779      THE PEOPLE v. HAMEED**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
BLEASE, Acting P.J.

**July 26, 2006**

- C049835      THE PEOPLE v. McVEY                      (Not for Publication)**  
The judgment is reversed. As required by law, a copy of this opinion will be forwarded to the State Bar of California. (Bus. & Prof. Code, § 6086.7, subd. (a) (2).)  
ROBIE, J.  
I Concur: Butz, J.  
I concur in parts I through III of the majority opinion and in most of part IV...  
SIMS, Acting P.J.
- C050385      THE PEOPLE v. DELACRUZ                      (Not for Publication)**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Raye, Acting P.J.  
Morrison, J.

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**July 26, 2006, continued**

- C051494      THE PEOPLE v. BRIDGES      (Not for Publication)**  
The appeal is dismissed.  
SCOTLAND, P.J.  
We Concur: Nicholson, J.  
Raye, J.
- C050368      In re CHRISTOPHER S.; CHILDREN'S SERVICES DIVISION v. MICHELLE K.      (Not for Publication)**  
The order of the juvenile court is affirmed.  
BLEASE, Acting P.J.  
We Concur: Robie, J.  
Cantil-Sakauye, J.
- C051683      In re B.T. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. DANNY T.      (Not for Publication)**  
The judgment is affirmed in case No. JD218873 as to B.T. In case No. JD221773 as to E.T., the order terminating parental rights is reversed and the matter is remanded for the limited purpose of securing compliance with the notice provisions of the Indian Child Welfare Act...  
SIMS, Acting P.J.  
We Concur: Raye, J.  
Morrison, J.

**July 27, 2006**

- C050559      THE PEOPLE v. GLASSGOW      (Not for Publication)**  
The judgment is modified... As modified, the judgment is affirmed.  
MORRISON, Acting P.J.  
We Concur: Robie, J.  
Butz, J.
- C051013      THE PEOPLE v. BLASSINGAME, JR.      (Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We Concur: Sims, Acting P.J.  
Butz, J.

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**July 27, 2006, continued**

Butz, J.

Raye, J.

Hull, J.

Raye, J.

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**The Minutes**

**July 28, 2006**

**C047476      THE PEOPLE v. HANSEN      (Not for Publication)**

In accordance with the conclusions expressed in part I, the portion of the judgment reflecting the verdict at the sanity phase of the trial is reversed and the matter is remanded for retrial of the issue of defendant's sanity when he killed his grandmother. The clerk of this court is directed to forward a copy of this opinion to defendant's trial counsel and to the State Bar. (Bus. & Prof. Code, § 6086.7, subd. (b).)

CANTIL-SAKAUYE, J.

I concur:      Robie, J.

I dissent. The record on appeal does not reveal why defense counsel limited his cross-examination of Dr. Kenan...

Morrison, J.

**C049483      THE PEOPLE v. ALARCON      (Not for Publication)**

The judgment is modified to award defendant 376 days of custody credit. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections and Rehabilitation.

MORRISON, J.

We Concur:      Sims, Acting P.J.

Butz, J.

**C049567      THE PEOPLE v. COLLINS      (Not for Publication)**

The judgment is affirmed.

HULL, Acting P.J.

We Concur:      Butz, J.

Cantil-Sakauye, J.

**C050183      THE PEOPLE v. NEGRETE      (Not for Publication)**

The judgment is modified to include a mandatory court security fee... As modified, the judgment is affirmed. The court shall issue an amended abstract of judgment that includes these modifications and forward a certified copy to the Secretary of the Department of Corrections and Rehabilitation.

MORRISON, J.

We Concur:      Raye, Acting P.J.

Butz, J.

**C050277      THE PEOPLE v. COOLEY      (Not for Publication)**

The judgment is affirmed.

MORRISON, J.

We Concur:      Sims, Acting P.J.

Butz, J.

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**July 28, 2006, continued**

**C050527      THE PEOPLE v. PENDARVIS      (Not for Publication)**

The judgment is modified, awarding defendant two days of work/good conduct credit. The trial court shall issue an amended abstract of judgment that includes this modification and forward a certified copy to the Secretary of the Department of Corrections and Rehabilitation.

MORRISON, J.

We Concur:    Sims, Acting P.J.  
                 Butz, J.

**C051422      In re M.A.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. D.A.      (Not for Publication)**

The order of the juvenile court terminating the parental rights of appellant is affirmed.

CANTIL-SAKAUYE, J.

We Concur:    Sims, Acting P.J.  
                 Hull, J.